

STEVEN A. GIBSON, ESQ.

Nevada Bar No. 6656

[sgibson@righthaven.com](mailto:sgibson@righthaven.com)

J. CHARLES COONS, ESQ.

Nevada Bar No. 10553

[ccoons@righthaven.com](mailto:ccoons@righthaven.com)

JOSEPH C. CHU, ESQ.

Nevada Bar No. 11082

[jchu@righthaven.com](mailto:jchu@righthaven.com)

Righthaven LLC

9960 West Cheyenne Avenue, Suite 210

Las Vegas, Nevada 89129-7701

(702) 527-5900

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

RIGHTHAVEN LLC, a Nevada limited-  
liability company,

Plaintiff,

v.

DOMAINS BY PROXY, INC., an Arizona  
corporation,

Defendant.

Case No.: 2:10-cv-0864

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

Righthaven LLC ("Righthaven") complains as follows against Domain by Proxy, Inc. ("DBP"), on information and belief:

**NATURE OF ACTION**

1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.

**PARTIES**

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. DBP is, and has been at all times relevant to this lawsuit, identified by the current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant, administrative contact, and technical contact for the Internet domain found at <crimenews2000.com> (the “Domain”).

**JURISDICTION**

5. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338(a).

6. DBP purposefully directs activities at Nevada residents, which activities have resulted in the copyright infringement alleged herein.

7. Righthaven is the owner of the copyright in the literary work entitled “Judge denies bail to suspects in two deaths” (the “Work”), attached hereto as Exhibit 1.

8. At all times relevant to this lawsuit, the Work depicted and depicts the original source publication as the Las Vegas Review-Journal.

9. DBP willfully copied, on an unauthorized basis, a substantial and significant portion of the Work from a source emanating from Nevada.

10. On or about February 19, 2010, DBP displayed, and continues to display, an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, as part of the content accessible through the Domain (said content accessible through the Domain known herein as the “Website”).

11. At all times relevant to this lawsuit, the Infringement depicted and depicts the original source publication as the Las Vegas Review-Journal.





33. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. §106(3).

34. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C. §106(5).

35. DBP reproduced the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(1).

36. DBP created an unauthorized derivative of the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(2).

37. DBP distributed, and continues to distribute, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(3).

38. DBP publicly displayed, and continues to publicly display, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(5).

39. DBP has willfully engaged in the copyright infringement of the Work.

40. DBP's acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

41. Unless DBP is preliminarily and permanently enjoined from further infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus entitled to preliminary and permanent injunctive relief against further infringement by DBP of the Work, pursuant to 17 U.S.C. §502.

### **PRAYER FOR RELIEF**

Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

1. Preliminarily and permanently enjoin and restrain DBP, and DBP's officers, agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all persons acting for, by, with, through, or under DBP, from directly or indirectly infringing the Work by reproducing the Work, preparing derivative works based on the Work, distributing the

1 Work to the public, and/or displaying the Work, or ordering, directing, participating in, or  
2 assisting in any such activity;

3 2. Direct DBP to preserve, retain, and deliver to Righthaven in hard copies or  
4 electronic copies:

5 a. All evidence and documentation relating in any way to DBP's use of the  
6 Work, in any form, including, without limitation, all such evidence and documentation  
7 relating to the Website;

8 b. All evidence and documentation relating to the names and addresses  
9 (whether electronic mail addresses or otherwise) of any person with whom DBP has  
10 communicated regarding DBP's use of the Work; and

11 c. All financial evidence and documentation relating to DBP's use of the  
12 Work;

13 3. Direct GoDaddy and any successor domain name registrar for the Domain to lock  
14 the Domain and transfer control of the Domain to Righthaven;

15 4. Award Righthaven statutory damages for the willful infringement of the Work,  
16 pursuant to 17 U.S.C. §504(c);

17 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by  
18 Righthaven in bringing this action, pursuant to 17 U.S.C. §505;

19 6. Award Righthaven pre- and post-judgment interest in accordance with applicable  
20 law; and

21 7. Grant Righthaven such other relief as this Court deems appropriate.  
22  
23  
24  
25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

Righthaven requests a trial by jury pursuant to Fed.R.Civ.P. 38.

Dated this seventh day of June, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons  
STEVEN A. GIBSON, ESQ.  
Nevada Bar No. 6656  
J. CHARLES COONS, ESQ.  
Nevada Bar No. 10553  
JOSEPH C. CHU, ESQ.  
Nevada Bar No. 11082  
9960 West Cheyenne Avenue, Suite 210  
Las Vegas, Nevada 89129-7701  
Attorneys for Plaintiff